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To: Examiner Sam Ahn / *SPE Mohammad Ghayour* FAX NO.: 571-273-8300

COMPANY: USPTO Unit 2611

PHONE NO.: 571-272-3044

FROM: Tawny J. Bauman

DIRECT DIAL NO.: +1.415.954.0398

E-MAIL: tbauman@ssd.com

RE: 2/22/07 Office Action mistakenly mailed to SSD for 10/750,317?

Dear Examiner Ahn,

We recently received the attached Office Action for case 10/750,317, but we do not believe it was intended for our firm. We do have a case with the listed attorney docket number & a very similar serial number – 10/750,312 - but it is entitled *STENT MANDREL FIXTURE AND METHOD FOR COATING STENTS*.

Please confirm that the attached office action was not intended for our case, 10/750,312.

Thanks in advance,

Tawny Bauman – Patent Case Assistant

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,317	12/30/2003	Saad Younis	50623.313	1697

7590 02/22/2007  
Squire, Sanders & Dempsey L.L.P.  
Suite 300  
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San Francisco, CA 94111

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EXAMINER

AHN, SAM K

ART UNIT

PAPER NUMBER

2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

MAR 09 2007

**Office Action Summary**

Application No.

10/750,317

Applicant(s)

YOUNIS ET AL.

Examiner

Sam K. Ahn

Art Unit

2611

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-17 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 18-23, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. US 2001/0034217 A1 (Loke) in view of Jones et al. US 5,920,808 (Jones).

Regarding claim 1, Loke teaches a method for controlling a power amplifier (power amplifier 10 in Fig.3, further illustrated in Fig.4) in a transmitter (the transmitter in Fig.3) during a signal transmission (during transmission of RF signals output of the antenna 2, note paragraph 0069) comprising: determining a required output transmit power level (Fig.7 illustrates the steps for controlling the power amplifier 10, note paragraph 0084 and see 702 in Fig.7, wherein output power is determined); if the required output transmit power level is below a particular threshold, bypassing the power amplifier (if the output power is less than a threshold or the power range of the currently active power amplifiers 34,36,38, see 703 in Fig.7 taking the NO route, note paragraph 0086, the power amplifier is bypassed, note paragraph 0072); and if the required output transmit power level exceeds the particular threshold (if the power level exceeds the threshold or the power level is outside the power range of the currently active

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power amplifiers 34,36,38, note paragraph 0086, taking the YES route), powering up the power amplifier (note paragraph 0075, wherein when a power amplifier is powered up), and selecting the power amplifier (see 704 in Fig.7).

And although Loke teaches powering up the power amplifier, as previously explained, Loke does not explicitly teach wherein the power amplifier is powered up for at least a particular warm up period.

Jones teaches a power amplifier employed in a transmitter (115 in Fig.1) wherein the Jones suggests that the power amplifier is powered up for at least a warm up period when the power amplifier is to be used prior to actually employing the power amplifier for transmitting signals (note col.1, lines 12-34) by turning on the transistors of the power amplifier. It is well-known to one skilled in the art that power amplifiers comprise transistors, including the power amplifier of Loke.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teaching of Jones in the system of Loke by heating up the transistors in the power amplifier for the purpose of preventing the power amplifier from behaving unpredictably, as taught by Jones (note col.1, lines 12-34), hence provide the power amplifier in a steady-state prior to actual signal transmission.

Regarding claim 5, the claim is rejected as applied to claim 1 with similar scope. Loke also teaches the further limitation of determining a required power amplifier gain based, in part, on the required output transmit power level (note paragraph

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0085, wherein an example is given of decreasing by 5 dBm, wherein one skilled in the art would recognize that other gain values of power level may be determined).

2. Claims 2 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. US 2001/0034217 A1 (Loke) in view of Jones et al. US 5,920,808 (Jones) and Leinonen et al. US 6,563,883 B1 (Leinonen).

Regarding claim 2, Loke in view of Jones teach all subject matter claimed, as applied to claim 1. And although Loke further teaches wherein if the required output transmit power level is below a particular threshold, bypassing the power amplifier (if the output power is less than a threshold or the power range of the currently active power amplifiers 34,36,38, see 703 in Fig.7 taking the NO route, note paragraph 0086, the power amplifier is bypassed, note paragraph 0072), does not explicitly teach powering down the power amplifier.

Leinonen teaches a power amplifier in a transmitter (32 in Fig.3) wherein the transmitter further comprises the step of bypassing the power amplifier and switching the power amplifier (note col.11, lines 9-23). Hence, both Loke and Leinonen teach a power amplifier in a transmitter wherein the power amplifier is bypassed, and Leinonen further suggests switching the power amplifier off when the power amplifier is bypassed in order to operate the transmitter with a low power consumption (note col.11, lines 9-23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate

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the teaching of Leinonen in the system of Loke and Jones by switching the power amplifier of Loke (10 in Fig.3) when the power amplifier is bypassed (through the switches 41,43 in Fig.4) for the purpose of operating the transmitter with a low power consumption, as taught by Leinonen (note col.11, lines 9-23).

Regarding claim 7, the claim is rejected as applied to claim 2 with similar scope. Jones, as previously explained, teaches switching off a power amplifier when not in use in order to reduce power consumption (note col.11, lines 9-23). One skilled in the art would further recognize that determining existence or non-existence and powering down the power amplifier may be realized by the teaching of Jones wherein when a device is not in use is switched to be turned off. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to recognize that the phone device of Loke incorporate the analysis above of powering down the power amplifier when the phone device is not in use for the purpose of operating the transmitter with a low power consumption, as taught by Leinonen (note col.11, lines 9-23).

Regarding claim 8, Loke further teaches wherein the elements in a transmit path includes a variable gain element and a mixer in the transmit signal path (see the transmit path including 20 and 22, note paragraph 0064).

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Regarding claim 9, the further limitation of wherein the existence or non-existence of data transmission is defined over a particular time interval is realized when a phone device of Loke is turned on and off transmitting signals over a period of desired time, wherein one skilled in the art would recognize that such implementation is well-used by any user with the phone device as illustrated in Fig.1 of Loke.

3. Claims 10,11,13-15,17 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. US 2001/0034217 A1 (Loke) in view of Mages et al. US 6,178,313 B1 (Mages).

Regarding claim 10, Loke teaches a transmitter in a communication system (see Fig.3 comprising: a variable gain element (20) configured to receive and input signal (from 7), the variable gain element having a variable gain covering a particular gain range (dynamic range of about 90 dB, note paragraph 0064); and a power amplifier section (10) coupled to the variable gain element (20), the power amplifier section having a plurality of discrete gain settings (note paragraph 0035), wherein one of the plurality of discrete gain settings is a bypass setting (note paragraph 0072).

However, Loke does not explicitly teach wherein the particular gain range of the variable gain element is less than a full dynamic range provided by the transmitter.

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Mages also teaches a variable gain element coupled to a power amplifier section (58 coupled to 64 in Fig.1) and wherein the particular gain range of the variable gain element is less than a full dynamic range provided by the transmitter (the gain control signal to the variable gain element and the power amplifier section is the combined of the two, note col.2, lines 37-45, col.4, lines 35-41 and col.5, lines 6-13, hence, one skilled in the art would recognize that part of the full dynamic range is provided by the variable gain element and another part is by the power amplifier section). Hence, both Loke and Mages teach the variable gain element coupled to the power amplifier section, wherein Mages further teaches that the combination of the two provides a range of the transmitter. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to recognize that the variable gain element and the power amplifier section of Loke also provide the claimed range, as explained above for the purpose of reducing battery drain by properly adjusting bias current provided to the variable gain element and the power amplifier section (note col.4, line 64 – col.5, line 5).

Regarding claim 11, Loke further teaches a bypass path coupled in parallel with the power amplifier via a first set of switches (see Fig.4 with switches 41 and 43 providing a parallel path).

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Regarding claim 13, Loke further teaches a driver coupled in series with the power amplifier (26 coupled to 10).

Regarding claim 14, Loke further teaches wherein the variable gain element is a variable gain amplifier (amplifier having variable gain, note paragraph 0064).

Regarding claim 15, Loke further teaches wherein the power amplifier section is placed in the bypass setting when a required output power level from the transmitter is below a particular threshold (if the output power is less than a threshold or the power range of the currently active power amplifiers 34,36,38, see 703 in Fig.7 taking the NO route, note paragraph 0086, the power amplifier is bypassed, note paragraph 0072).

Regarding claim 17, the further limitation of wherein the variable gain element and power amplifier section are powered down when the transmitter is not transmitting can be realized when the phone taught by Loke is turned off.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement as such. Applicant has not disclosed that such implementation provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with turning the phone off because it minimizes power consumption of the phone, since it is not in use or is

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not transmitting. Therefore, it would have been obvious to one of ordinary skill in this art to obtain the invention as specified in the claim.

Regarding claim 24, Mages further teaches a controller coupled to, and providing control signals for, the variable gain element and the power amplifier section (46 providing control signals to 58 and 64 in Fig.1).

Regarding claim 25, Mages further teaches a gain compensation circuit that implements a plurality of gain compensation tables, one table for each of the plurality of discrete gain settings (see memory device 76 in Fig.2 with table for different settings).

Regarding claim 26, Mages further teaches wherein the controller further comprises an interface circuit coupled to the gain compensation circuit (interface circuit 72 and 74 in Fig.2).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. US 2001/0034217 A1 (Loke) in view of Mages et al. US 6,178,313 B1 (Mages) and Aihara US 5,909,643.

Regarding claim 12, Loke in view of Mages teach all subject matter claimed, as applied to claim 11. And although Loke in view of Mages teach the power

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amplifier section, do not explicitly teach an attenuator coupled in parallel with the power amplifier via second set of switches.

Aihara also teaches a power amplifier section (14-17 in Fig.4) an attenuator (20B) coupled in parallel with the power amplifier (15) via second set of switches (14,16). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teaching of Aihara in the system of Loke by implementing the attenuator in the parallel path to the power amplifier for the purpose of preventing a feedback loop oscillation (note col.5, lines 8-12).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loke et al. US 2001/0034217 A1 (Loke) in view of Mages et al. US 6,178,313 B1 (Mages) and Leinonen et al. US 6,563,883 B1 (Leinonen).

Regarding claim 16, Loke in view of Mages teach all subject matter claimed, as applied to claim 15. And although Loke further teaches wherein if the required output transmit power level is below a particular threshold, bypassing the power amplifier (if the output power is less than a threshold or the power range of the currently active power amplifiers 34,36,38, see 703 in Fig.7 taking the NO route, note paragraph 0086, the power amplifier is bypassed, note paragraph 0072), does not explicitly teach powering down the power amplifier.

Leinonen teaches a power amplifier in a transmitter (32 in Fig.3) wherein the transmitter further comprises the step of bypassing the power amplifier and switching the power amplifier (note col.11, lines 9-23). Hence, both Loke and

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Leinonen teach a power amplifier in a transmitter wherein the power amplifier is bypassed, and Leinonen further suggests switching the power amplifier off when the power amplifier is bypassed in order to operate the transmitter with a low power consumption (note col.11, lines 9-23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teaching of Leinonen in the system of Loke and Jones by switching the power amplifier of Loke (10 in Fig.3) when the power amplifier is bypassed (through the switches 41,43 in Fig.4) for the purpose of operating the transmitter with a low power consumption, as taught by Leinonen (note col.11, lines 9-23).

***Allowable Subject Matter***

6. Claims 3,4,6,18-23 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: present application discloses a transmitter comprising a variable gain amplifier coupled to a power amplifier. Prior art teaches all the subject matter claimed, however, do not explicitly teach the further limitation of providing a selecting control signal to the power amplifier during the timing of boundaries of transmitted code symbols, and do not explicitly teach power amplifier and the variable gain amplifier controlled by corresponding control signals having different update rate.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Ahn whose telephone number is (571) 272-3044. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Khánh Cong Tran* 02/20/2007  
KHANH TRAN  
Primary Examiner

Sam K. Ahn  
Patent Examiner

2/20/07

MAR 09 2007

<b>Notice of References Cited</b>	Application/Control No. 10/750,317	Applicant(s)/Patent Under Reexamination YOUNIS ET AL.	
	Examiner Sam K. Ahn	Art Unit 2611	Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,909,643	06-1999	Aihara, Yuukichi	455/127.3
*	B	US-5,920,808	07-1999	Jones et al.	455/127.1
*	C	US-6,178,313	01-2001	Mages et al.	455/127.2
*	D	US-6,563,883	05-2003	Leinonen et al.	375/295
*	E	US-2001/0034217	10-2001	LOKE et al.	455/126
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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FROM: Tawny J. Bauman		DIRECT DIAL NO.: +1.415.354.0398			
E-MAIL: tbauman@uspto.gov					
RE: 2/22/07 Office Action mistakenly mailed to SSD for 10/750,317					
Dear Examiner Ahn,					
We recently received the attached Office Action for case 10/750,317, but we do not believe it was intended for our firm. We do have a case with the listed attorney docket number & a very similar serial number - 10/750,312 - but it is entitled <b>STENT MANDEL FLEXURE AND METHOD FOR COATING STENTS</b> .					
Please confirm that the attached office action was not intended for our case, 10/750,312.					
Thanks in advance,					
Tawny Bauman - Patent Case Assistant					
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